



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony on House Bill 5087, An Act Concerning Ranked-Choice Voting for State and Federal Offices, House Bill 5133, An Act Concerning Ranked Choice Voting for Municipal Offices, House Bill 5701, An Act Instituting Ranked Choice Voting for Municipal, State, and Federal Elections, House Bill 5712, An Act Establishing a Task Force to Study Ranked-Choice Voting in Certain Elections, Senate Bill 389, An Act Concerning Ranked-Choice Voting, House Bill 5704, An Act Concerning Mandatory Voting, and House Bill 5717, An Act Concerning Universal Civic Duty Voting

Senator Flexer, Representative Blumenthal, Ranking Members Sampson and Mastrofrancesco, and distinguished members of the Government Administration and Elections Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify on House Bill 5087, An Act Concerning Ranked-Choice Voting for State and Federal Offices, House Bill 5133, An Act Concerning Ranked Choice Voting for Municipal Offices, House Bill 5701, An Act Instituting Ranked Choice Voting for Municipal, State, and Federal Elections, House Bill 5712, An Act Establishing a Task Force to Study Ranked-Choice Voting in Certain Elections, Senate Bill 389, An Act Concerning Ranked-Choice Voting, House Bill 5704, An Act Concerning Mandatory Voting, and House Bill 5717, An Act Concerning Universal Civic Duty Voting.

Connecticut's history with voting rights is long, checkered, and in many ways shamefully suppressive. We encourage this Committee to first address the major structural issues present in our voting system, particularly those that most disenfranchise Black and Latinx voters, low-income voters, disabled voters, elderly voters, women, and LGBTQ+ voters.

From its early days, Connecticut has been the least expansive for voting rights for Black people of all the New England states, amending the state constitution to explicitly limit the franchise to white people in 1818 when other neighboring states allowed Black men to vote without significant restriction.¹ After Connecticut ratified the Fifteenth Amendment, which guaranteed the right to vote to men of all races,² it took a further six years for Connecticut to amend its own state constitution to remove language restricting voting to white people.³ Connecticut was the last New England state to allow Black men to vote.⁴ Connecticut was one of only twelve states using a literacy test into the 1950s,⁵ and it was not ended until the federal Voting Rights Act finally banned them nationwide, when, in August 1965, the State Attorney General issued an opinion clarifying that the federal Voting Rights Act's prohibition on literacy tests took precedence over the state law that allowed them.⁶

Some voting laws and practices are still in effect in Connecticut which disproportionately harm voters of color. The state's well-known limitations on alternatives to in-person Election Day voting, for example, disproportionately harm Black and Latinx voters, who are more likely to face barriers to voting on Election Day.⁷ So do laws which restrict voting for people convicted of felonies and people on parole, due to systemic racism in the criminal legal system.⁸ Election management

¹ Elizabeth Normen, *Our Hard-Won Right to Vote*, CONN. EXPLORED (2016), available at <https://www.ctexplored.org/our-hard-won-right-to-vote/>.

² Katherine J. Harris, "No Taxation with Representation": *Black Voting in Connecticut*, CONN. EXPLORED (2016), available at <https://www.ctexplored.org/no-taxation-without-representation-voting-petitions-inconnecticut/>.

³ *Connecticut Civil Rights Law Chronology*, CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES, available at <https://portal.ct.gov/CHRO/Legal/Legal/Connecticut-Civil-Rights-Law-Chronology>.

⁴ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* 55 (2000); see also Ramin Ganeshram & Elizabeth Normen, *Constitution of 1818 & Black Suffrage: Rights For All?*, CT EXPLORED (Fall 2018), <https://www.ctexplored.org/constitution-of-1818-rights-for-all/>.

⁵ Steve Thornton, *Literacy Tests and the Right to Vote*, CONN. HISTORY, available at <https://connecticuthistory.org/literacy-tests-and-the-right-to-vote/>.

⁶ See *id.*; David Holmberg, *Puerto Ricans Literate in Spanish to Get Vote: Opinion is Given by Mulvey*, HARTFORD COURANT (Aug. 25, 1965).

⁷ For common barriers to voting and reasons why voters do not vote, see, e.g., Amelia Thomson-DeVeaux, Jasmine Mithani & Laura Bronner, *Why Many Americans Don't Vote*, FIVETHIRTYEIGHT, (Oct. 26, 2020), available at <https://projects.fivethirtyeight.com/non-voters-poll-2020-election/>; *11 Barriers to Voting*, CARNEGIE CORP. N.Y. (Nov. 1, 2019), available at <https://www.carnegie.org/topics/topicarticles/voting-rights/11-barriers-voting/>. See also Vann R. Newkirk II, *Voter Suppression is Warping Democracy*, ATLANTIC (July 17, 2018), available at <https://www.theatlantic.com/politics/archive/2018/07/pollprri-voter-suppression/565355/>.

⁸ Karina Schroeder, *How Systemic Racism Keeps Millions of Black People from Voting*, VERA INST. JUST., (Feb. 16, 2018), available at <https://www.vera.org/blog/how-systemic-racism-keeps-millions-of-blackpeople-from-voting>.

practices, repeated year after year, result in long lines in the urban areas where Connecticut's voters of color are most concentrated.⁹

The ACLU-CT applauds the concept of investigating new ways to increase voter participation and the diversity of candidates that voters may choose from, and whether these policies may positively contribute to voting accessibility in Connecticut. But we must first address the rampant voting access issues in our state. Until this legislature passes an early voting plan that is truly equitable, we remain one of four states without early voting. At the same time, we are one of fifteen states lacking no-excuse absentee voting.¹⁰ Connecticut continues its archaic practice of disenfranchising people with felony convictions, while incompetent elections administration within our prisons disenfranchises people held in prison who never lost their right to vote in the first place. In the 2020 election, many eligible voters held pre-trial or for misdemeanors in Connecticut's jails and prisons could not exercise their fundamental right to vote because they could not complete the registration process or they could not return their ballots in time for Election Day.¹¹ These limitations combine to make Connecticut, in one voting rights group's estimation, the fourth worst state in the nation for voting options.¹² We strongly encourage this Committee to first address the major structural issues present in our voting system, such as the lack of early voting and no-excuse absentee voting, disenfranchisement of people incarcerated on a felony conviction, and de-facto

⁹ Matt DeRienzo, *In Connecticut, Voters Face Some of the Biggest Obstacles Outside the South*, CTR. PUB. INTEGRITY (Oct. 7, 2020), available at <https://publicintegrity.org/politics/elections/us-polling-places/connecticutvoters-face-some-of-the-biggest-obstacles-outside-the-south/>; see also Jack Kramer, *In Connecticut, Long Lines and Problems at a Hartford Polling Place*, CT NEWS JUNKIE (Nov. 8, 2016), available at https://ctnewsjunkie.com/2016/11/08/smooth_start_to_voting_in_tumultuous_year/.

¹⁰ *States with No-Excuse Absentee Voting*, NAT'L CONF. STATE LEG. (May 1, 2020), available at <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absenteevoting.aspx>.

¹¹ Lori Mack, *Voting Presents Challenges in Connecticut Jails*, CONN. PUBLIC RADIO (Oct. 27, 2020), <https://www.ctpublic.org/news/2020-10-27/ballots-behind-bars-voting-presents-challenges-in-connecticut-jails>.

¹² See *How Easy Is It To Vote Early in Your State?*, CTR. FOR ELECTION INNOVATION & RES. (Apr. 12, 2021), <https://electioninnovation.org/research/early-voting-availability-2022/>; Bill Theobald, *The 6 Toughest States for Voting During the Pandemic*, FULCRUM (Apr. 29, 2020), <https://thefulcrum.us/voting/voting-during-coronavirus>; see also Russell Berman, *The Blue States that Make It Hardest to Vote*, ATLANTIC (Apr. 15, 2021), <https://www.theatlantic.com/politics/archive/2021/04/democrats-voting-rights-contradiction/618599/> (discussing archaic voting restrictions in states with majority Democratic legislatures); Daniela Altimari, *Connecticut Has Some of the Most Restrictive Voting Laws in the Country. Here's How Our Voting Laws Compare to Other States*, HARTFORD COURANT (Apr. 11, 2021), <https://www.courant.com/politics/hc-pol-voting-connecticut-20210411-hdf5udlgrrdoho3hjufgrakcwi-story.html>.

disenfranchisement of incarcerated people due to poor election administration in prisons, to ensure that voting in our state is truly accessible and meaningful.